

Notice of Allowability

Application No.

09/655,775

Examiner

Gordon J Stock

Applicant(s)

TANAKA ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondence filed 12 August 2003.
2. ☒ The allowed claim(s) is/are 1-3, 5-8 and 10-12.
3. ☒ The drawings filed on 12 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>0803</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 12, 2003 has been entered.

Drawings

2. The drawings were received on August 12, 2003. These drawings are acceptable.

Information Disclosure Statement

3. The Information Disclosure Statement filed on August 12, 2003 has been considered by the Examiner. During a telephonic conversation with Mr. Christopher Wrist on August 21, 2003, it was concluded that Japanese document 07-076902 filing date 08/1995 rather than 07/76902 filing date 03/1995 should be considered by the Examiner. Examiner has made proper corrections to the Information Disclosure Statement filed on August 21, 2003 and Japanese document 07-076902 filing date 08/1995 has been entered into the file.

Response to Arguments

4. Applicant's arguments, see Remarks pages 7-8, filed August 12, 2003, with respect to the claims have been fully considered and are persuasive. Due to applicant's arguments and amendment to the claims, the rejection under 35 U.S.C. 103(a) of the claims has been withdrawn.

Allowable Subject Matter

5. **Claims 1-3, 5-8, 10-12** are allowed.

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As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a coordinate input apparatus "said correction means corrects the results of sensing from each of said plurality of sensing means based upon inclination of said second sensing means relative to said first sensing means" in combination with the rest of the limitations of **claims 1-3, 5, and 12**.

As to **claim 6**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a coordinate input method "said correction step corrects the results of sensing from each of the plurality of sensing units based upon inclination of a second sensing unit relative to a first sensing unit among the plurality of sensing units," in combination with the rest of the limitations of **claims 6-8 and 10**.

As to **claim 11**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a computer-readable memory storing coordinate-input program code "correction step corrects the result of sensing from each of the plurality of sensing units based upon inclination of a second sensing unit relative to a first sensing unit among the plurality of sensing units," in combination with the rest of the limitations of **claim 11**.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,587,558 to Matsushima

U.S. Patent 5,805,287 to Pettersen et al.

U.S. Patent 6,028,592 to Umeda et al.

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Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and

2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 308-7722


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (703) 305-4787. The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

gs

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August 28, 2003


Zandra V. Smith
Primary Examiner
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